

Conservation Commission – Town of Spencer



Minutes

Conservation Commission Meeting
Wednesday, March 11, 2009 at 7:00 PM
Conference Room A
Memorial Town Hall

The Meeting was opened at 7:01 p.m.

Commissioners Present: Ernie Grimes (Chairman), Judy Lochner, Warren Snow, Karen Rubino

Commissioners Absent: Mary McLaughlin, Tom Flannery, Steve Manuel

Staff present: Lisa Daoust

Minutes Approved: February 25, 2009 – *A motion to approve the minutes as amended (Lochner/Rubino) passed 4/0.*

Signed & Notarized: 5 Briarwood Lane, Certificate of Compliance – *A motion to issue a Certificate of Compliance (Snow/Rubino) passed 4/0.*

7:18 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Country Spirits, Corp.

Property: 10 West Main Street, Spencer, MA DEP#293-0724

At the applicants' request, the hearing has been continued to March 25, 2009.

7:19 p.m. Opened the Public Hearing for Request for Determination of Applicability for Matthew VanNorman

Property: 23 Westland Drive, Spencer, MA

The Commission reviewed the plan. The project is to repair the leach field and replace the retaining wall. Mr. VanNorman said the leach field has failed due to the water filter that was installed. The top layer of sand will be removed, the pipes will be replaced and the leach field will be expanded. There is a rotted retaining wall that abuts the system which will be replaced with a concrete interlocking block wall. The wall will be 8 to 10 feet shorter than what the original plan shows. Ms. VanNorman said when Mr. Richard Gobi, Engineer, drew up the plan, the entire existing wall was supposed to be replaced. The VanNormans decided there was enough slope area to cut the wall back.

There are two wells on the plan. The one closest to the septic is not a drinking water supply well. It is a geo-thermal heating system. The drinking water well is by the lake.

The VanNormans do have permission from their abutters to be 55 feet away from one of the abutter's well and 95 feet from the other abutter's well. Ms. Rubino said if the wall is cut back, the sloping will be more towards one of their abutters. Mr. VanNorman said it already does slope towards their abutter but yes, will add a larger area of slope. Ms. VanNorman said that their abutter is only a summer residence and the house is lower.

Mr. Grimes told the VanNormans if they wanted to drain the puddle in front of their house by installing drainage pipes, it could not be incorporated into this Determination. They would have to submit a Notice of Intent.

Mr. Grimes had Mr. VanNorman note on the plan that the retaining wall will be approximately 8 to 10 feet shorter than what is originally on the plan. Mr. VanNorman marked and initialed the plan.

The proposed conditions are as follows:

- Follow the plan
- Install silt fence only (no hay bales necessary)

A motion to close the public hearing (Snow/Rubino) passed 4/0.

A motion for a Negative Determination with conditions as discussed (Snow/Rubino) passed 4/0.

7:31 p.m. Opened the Public Hearing for Request for Determination of Applicability for the Town of Spencer Parks and Recreation Commission

Property: Luther Hill Park, Spencer, MA

Mr. Tony Bove, Parks and Recreation Commission/Board of Selectman, presented the plan to the Commission. There were no plans submitted with this RDA. Mr. Bove said that is because the Parks and Recreation Commission were looking for a job for the boy's trade school, Bay Path Regional Technical High School. The shed was designed and built by the students and the blue prints were never given to Mr. Bove. Ms. Scarlet printed a photo of the lake from the GPS and Mr. Bove marked off where the shed will be placed. The shed was built in 4 pieces and will be installed on the existing granite slab and anchored to the ground.

Mr. Grimes said if there is no disturbance to the ground, then why was a Request for Determination submitted. Mr. Bove said he wanted to make sure the work would be legal. Mr. Bove was asked by the teacher from Bay Path to go before the Conservation Commission to make sure no laws would be broken.

Ms. Lochner asked when the shed would be installed. Mr. Bove said hopefully two weeks from now. It was supposed to be done last fall but the students could not get there.

Mr. Bove said the Parks and Recreation Commission have obtained \$240,000 for the reconditioning of Luther Hill Park. The money is for new stone walls, a pavilion and docks. Mr. Bove asked the Conservation Commission to send a letter the Parks and Recreation Commission informing them of what paperwork must be submitted and what permits must be obtained in order to construct the pavilion and recondition the walls. Mr. Grimes asked Lisa to send a letter to the Commission.

A motion to close the public hearing (Rubino/Snow) passed 4/0.

A motion for a Negative Determination (Rubino/Snow) passed 4/0.

Other Business:

Deer Run II: Mr. Harrington submitted a request for a three-year extension. The current Order of Conditions expires on April 27, 2009. Ms. Lochner said there are a few outstanding items that need to be addressed. She suggested the Commission do a site visit before granting the extension. *A motion was made to continue to extension request to March 25, 2009 (Lochner/Snow) passed 4/0.* A site visit has been scheduled for March 22, 2009.

30 GH Wilson Road: A Certificate of Compliance was requested. This is an older file. Mr. Grimes said he does remember this property. The owner built a garage near the wetland without having an Order of Conditions. Once the owner was told he needed to submit a Notice of Intent, he was very upset because the work was already finished. Nonetheless, he did submit a Notice of Intent and received an Order of Conditions for the already completed work. The Conservation Commission needs an indication that the work meets to the conditions in the Order of Conditions. Mr. Grimes recommends the Commission do a site visit before issuing the Certificate of Compliance. Mr. Grimes told Lisa to make sure she calls the homeowner to get his permission for the Commission to do the site visit on March 22, 2009 at 8 a.m.

Site Visits: Site visits for 30 GH Wilson Road and Deer Run II will be on March 22, 2009 at 8 a.m. The Commission will meet at the Town Hall.

A motion to adjourn the meeting at 8:05 p.m. (Snow/Rubino) passed 4/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services